

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

ENVIRONMENTAL DEFENSE FUND;  
MONTANA ENVIRONMENTAL  
INFORMATION CENTER; and CITIZENS  
FOR CLEAN ENERGY,

*Plaintiffs,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY; and ANDREW R. WHEELER, in  
his official capacity as Administrator of  
the U.S. Environmental Protection  
Agency,

*Defendants.*

Case No.: 4:21-cv-00003-BMM-JTJ

The Honorable Brian Morris,  
Chief Judge

**DECLARATION OF JOHN STITH**

I, John Stith, declare as follows:

1. I am Director of Database Marketing and Analytics at Environmental Defense Fund (EDF).

2. My duties include maintaining an accurate list of members. My colleagues and I provide information to members, acknowledge gifts and volunteer actions, and manage the organization's member databases. My work requires me to be familiar with Environmental Defense Fund's purposes, staffing, activities, and

membership. I have worked at EDF and overseen the membership databases for over fourteen years.

3. Environmental Defense Fund is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

4. Environmental Defense Fund relies on science, economics, and law to protect and restore the quality of our air, water, and other natural resources. Environmental Defense Fund employs more than 700 scientists, economists, engineers, business school graduates, lawyers, and other professionals to help solve challenging environmental problems in a scientifically sound and cost-effective way.

5. Through its programs aimed at protecting human health and the environment, Environmental Defense Fund has long pursued initiatives at the state and national levels designed to reduce air pollution and protect public health. This work addresses emissions of greenhouse gases, air pollutants classified as “hazardous air pollutants” under the Clean Air Act, and other harmful air pollutants such as criteria air pollutants through the National Ambient Air Quality Standards. It also includes strengthening protections under the Safe Drinking Water Act, Toxic Substances Control Act, and other laws to reduce public exposure to pollutants harmful to human health. For example, EDF works to reduce lead in drinking water,

lessen harmful chemicals in food, and get toxic chemicals out of household products. Ensuring the best available science, economics, and analysis inform these and other public health and environmental protections is at the core of EDF's mission and values. Because scientific evidence is central to informing policy decisions for the protection of the environment and public health, EDF relies on the best scientific evidence—including studies that directly assess the health outcomes from exposure to pollutants—to support regulations that are robustly protective of public health and the environment. These efforts include providing such evidence to EPA and other decisionmakers.

6. Collaboration with other organizations, businesses, and government is a core part of EDF's strategy to reduce air pollution and protect public health. EDF works closely with many partners addressing environmental justice issues. These partners work in communities that disproportionately bear the burdens of pollution and other environmental and health impacts. EDF and its partners have worked diligently to build trust in these communities to help address and alleviate the environmental and health harms they face.

7. EDF has a strong organizational interest, as well as a strong interest grounded in its members' recreational, aesthetic, professional, educational, public health, environmental, and economic interests, in advancing protections of public health, the environment, clean air, and the climate system. These interests extend to

ensuring the best scientific evidence receives due weight in the setting of robust policies that are adequately protective of public health and the environment. EPA science prioritization policies that hinder scientists from obtaining the grants necessary to conduct their research or otherwise maintain their labs and projects, or that cause scientists to conduct less scientifically valuable research, would threaten this interest. EDF also counts among its members scientists whose professional and economic interests would be harmed by such policies. EDF also has a strong interest in leveraging the work of its partners and ensuring that its partners, particularly those that work in environmental justice communities, can develop actionable data and the best science to help address and alleviate the environmental and health harms such communities experience.

8. When an individual becomes a member of Environmental Defense Fund, his or her current residential address is recorded in our membership database. The database entry reflecting the member's residential address is verified or updated as needed. The database is maintained in the regular course of business and each entry reflecting a member's residential address and membership status is promptly updated to reflect changes.

9. As of January 4, 2021, Environmental Defense Fund has 397,459 members in the United States, and we have members in all 50 states and the District of Columbia. As of January 6, 2021, Environmental Defense Fund has 1,686 members

in Montana. EDF members have a strong interest in protecting human health and the environment, including from air pollution and other toxic exposures. Many live in areas affected by hazardous air pollution, including those whose local water bodies are subject to fish consumption advisories due in part to mercury pollution from power plants that bioaccumulates in fish populations and makes the fish unsafe to eat in significant amounts. Others live in areas with ozone and particulate matter pollution levels above what the latest science suggests can be harmful. These pollutants cause an increased risk of asthma attacks, heart attacks, strokes, emergency room visits, and premature deaths. Members across the country, including in Montana, rely on the latest regulations to protect them from harmful exposures in the water they drink, food they eat, and household products they use regularly. Members' well-being depends on EPA's maintaining and strengthening health-protective standards as necessary to keep up with the best available science.

10. For over 40 years, EDF has worked to protect human health and the environment from air pollution in Montana through the advocacy of its long-standing Rocky Mountain Office, its affiliation with Moms Clean Air Force representatives in Montana, expert consultants, and its work with partners such as the Montana Environmental Information Center. EDF's efforts include national, regional, and state-based legal and policy advocacy to address adverse health and other environmental impacts in Montana due to deadly particulate pollution, smog-

forming contaminants, mercury and other air toxics, climate pollution and an array of air pollution from industrial sources including power plants, and oil and gas activities.

11. After EPA released the proposed “Strengthening Transparency in Regulatory Science” Rule, 83 Fed. Reg. 18,768 (Apr. 30, 2018), 60,000 EDF members and supporters, including 279 commenters from Montana, submitted comments opposing the proposed rule. When EPA published an associated supplemental notice of proposed rulemaking, *see* 85 Fed. Reg. 15,396 (Mar. 18, 2020), almost 80,000 EDF members and supporters, including 303 commenters from Montana, submitted comments in opposition. EDF staff also submitted technical comments opposing the proposed rule and the associated supplemental notice of proposed rulemaking.

12. If in effect, the “Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information,” Rule, 86 Fed. Reg. 469 (Jan. 6, 2021), would jeopardize the protections EDF members living all over the United States rely upon to limit their exposure to air pollution and other harmful exposures linked to serious human health impacts.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2021

  
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John Stith